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Question of the Falkland Islands (Malvinas)

Letter dated 10 November 2008 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

On the instructions of my Government, I have the honour to transmit herewith the text of the protest note that was delivered today by the Government of the Argentine Republic to the United Kingdom of Great Britain and Northern Ireland (see annex I), and the press release on the same subject (see annex II).

I should be grateful if you would arrange for this note and its annexes to be circulated as a document of the General Assembly under agenda item 23.

(*Signed*) Jorge **Argüello**
Ambassador
Permanent Representative

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Annex I to the letter dated 10 November 2008 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

The Malvinas and South Atlantic Department of the Ministry of Foreign Affairs, International Trade and Worship presents its compliments to the Embassy of the United Kingdom of Great Britain and Northern Ireland and refers to a unilateral act performed by that country whereby it claims to have adopted a new "constitution" for the Malvinas Islands.

In that connection, the Government of the Argentine Republic vigorously protests against this new unilateral act by the United Kingdom in relation to an integral part of the national territory of the Argentine Republic which, being illegitimately occupied by the United Kingdom of Great Britain and Northern Ireland, is subject to the sovereignty dispute relating to the question of the Malvinas Islands.

The said unilateral act constitutes a new expression of disregard for the resolutions on the question of the Malvinas Islands duly adopted by the General Assembly and the Special Committee on Decolonization of the United Nations. All United Nations resolutions on this matter acknowledge that the sovereignty dispute involves the Argentine Republic and the United Kingdom exclusively and call upon those countries to resume the negotiations on sovereignty in order to reach, as soon as possible, a just, peaceful and lasting solution to the dispute, taking due account of the interests of the inhabitants of the islands.

This new unilateral act constitutes, in particular, a new and overt violation of resolution 31/49 of the General Assembly of the United Nations which calls upon the two parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the islands are going through the process recommended in the resolutions adopted by the said General Assembly. It also constitutes a new violation of the spirit of the provisional understandings under the sovereignty formula regarding practical aspects of the area in dispute, the purpose of which is to contribute to the creation of a climate conducive to the resumption of the negotiations on sovereignty between the Argentine Republic and the United Kingdom.

The Argentine Republic reaffirms its sovereignty rights over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas, which are an integral part of its national territory.

The Malvinas and South Atlantic Department of the Ministry of Foreign Affairs, International Trade and Worship avails itself of this opportunity to convey to the Embassy of the United Kingdom of Great Britain and Northern Ireland the renewed assurances of its consideration.

Buenos Aires, 6 November 2008

Annex II to the letter dated 10 November 2008 from the Permanent Representative of Argentina to the United Nations addressed to the Secretary-General

Press release

Argentina delivers a strong protest to the United Kingdom concerning an alleged new constitution for the Malvinas Islands.

1. Following the announcement by the United Kingdom of a unilateral act whereby it adopted an alleged "constitution" for the Malvinas Islands, the Government of the Argentine Republic, through the Ministry of Foreign Affairs, International Trade and Worship, urgently summoned the Chargé d'affaires of the British Embassy who was handed a strong note of protest.

2. The said protest note states that this new unilateral act by the United Kingdom constitutes a new expression of disregard for the resolutions on the question of the Malvinas Islands adopted since 1965 by the General Assembly and the Special Committee on Decolonization of the United Nations. These resolutions acknowledge that a sovereignty dispute exists between the Argentine Republic and the United Kingdom and call upon the two countries to resume the negotiations on sovereignty in order, as soon as possible, to reach a just, peaceful and lasting solution to the dispute, taking due account of the interests of the inhabitants of the islands.

3. It also states that this unilateral act by the United Kingdom constitutes, in particular, a new and overt violation of resolution 31/49 adopted in 1976 by the United Nations General Assembly which calls upon the two parties to the dispute (the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland) to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the islands are going through the process recommended in the resolutions adopted by the General Assembly, namely the resumption of the negotiations on sovereignty in order to reach, as soon as possible, a just, peaceful and lasting solution to the dispute.

4. Finally, the note states that this unilateral act by the United Kingdom constitutes a new violation of the spirit of the provisional understandings under the sovereignty formula regarding practical aspects of the area illegitimately occupied by the United Kingdom, the purpose of which is to contribute to the creation of a climate conducive to the resumption of the negotiations on sovereignty between the Argentine Republic and the United Kingdom.

5. The alleged "constitution" adopted by the United Kingdom Government refers to the principle of self-determination of peoples which is totally alien, and thus inapplicable, to the sovereignty dispute between the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Malvinas Islands, South Georgia and the South Sandwich Islands. This has been acknowledged by the United Nations General Assembly and by the Special Committee on Decolonization by the omission of any reference to such principle in any of the resolutions relating to the question of the Malvinas Islands. Moreover, in 1985 the General Assembly on two occasions expressly rejected the applicability of such principle to the question of the Malvinas Islands.

6. The Argentine Republic reaffirms its sovereignty over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas, which, as stated in the First Interim Provision of the Argentine Constitution, are an integral part of the national territory. In view of this constitutional mandate, the Argentine Republic does not recognize any alleged Government of the Malvinas Islands or their alleged representatives, symbols or emblems.

Buenos Aires, 6 November 2008